REMARKS

Claims 1-11 are pending and under consideration.

I.   REJECTION UNDER 35 U.S.C. 102

Claims 1-9 remain rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Kim (Kim *et al.*, 2003, Korean J Genetics 25:63-75). In particular, the Examiner states that the applicant cannot rely upon the foreign priority papers to overcome the rejection under 35 U.S.C. 102(a) because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. Reconsideration is respectfully requested in view of submission of the English translation of the priority documents: Korean patent application No. 10-2002-0063832 and Korean patent application No. 10-2003-0061066.

As the filing dates of the documents mentioned above, which the instant application is entitled to claim priority to, are prior to the filing date of the art cited by the Examiner, the latter does not qualify as the prior art for the subject application. Accordingly, it is respectfully requested the rejection of claims 1 to 9 under 35 U.S.C. 102(a) be withdrawn.

II.   OBJECTION OF CLAIMS 10-11

Claims 10 and 11 are objected to as they depend upon a rejected independent base claim.

It is respectfully requested to withdraw the objection of claims 10 and 11 as it is believed that the rejection of claim 1 is overcome by submission of the translation of the priority documents.

CONCLUSION

In view of the foregoing discussion, all the rejections and objections of the claims should be withdrawn. Reconsideration, entry of the above remarks, and allowance of the pending claims are respectfully requested. Should the Examiner not agree that all claims are allowable, a personal or telephonic interview is respectfully requested to discuss any remaining issues and to accelerate the allowance of the above-identified application.

Respectfully submitted,

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